

Message

From: Brock, Martha [Brock.Martha@epa.gov]
Sent: 10/25/2021 2:50:13 PM
To: Buxbaum, David [Buxbaum.David@epa.gov]; Johnson, MaryC [Johnson.MaryC@epa.gov]; Openchowski, Charles [openchowski.charles@epa.gov]
CC: Anderson, RobinM [Anderson.RobinM@epa.gov]; Walker, Stuart [Walker.Stuart@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]
Subject: Compare version of the Approach paper
Attachments: EPA Approach - compare 10-15-21rev1 to 10-20-21.docx

The changes seem to be stylistic with perhaps some changes that give DOE more latitude to do something different than what the Program is recommending as the approach (e.g., more passive voice, changed "DOE will" to "DOE should").

But fundamentally, none of our comments were addressed. I'm not saying that they "should" have – we all recognize that the Program is following someone's orders.

The two versions that we received of the Fish studies paper has not changed.

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If the agency's interpretation deviates from prior policy, the agency must provide a reasoned basis for the change. *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125–26 (2016).